

# MONTANA VISIBILITY PROTECTION PLAN

## February 21, 2006 Stakeholder Meeting #4 Minutes

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### Department Staff:

Bob Habeck  
Bob Jeffrey  
Deb Wolfe  
John Coefield  
Jim Carlin  
Cyra Cain

### Stakeholder in Person:

Bernie Gieser - ExxonMobil  
Bud Clinch - MCC  
Don Allen - WETA  
Hal Robbins – Bison Eng.  
Steve Wright – CFAC  
Anne Hedges - MEIC

### Stakeholders on Phone:

Jim Parker - PPL  
Thomas Dzomba - USFS  
Kristen Raleigh – Trinity Consult.  
Randy Ashley - SKC

## WELCOME AND INTRODUCTIONS

The Montana Department of Environmental Quality (Department) began the meeting by reviewed the agenda. The Department mentioned the visibility rule and associated documents can be found at this EPA website:

<http://www.epa.gov/oar/visibility/actions.html#1999rule>

The Department stressed the concept that Stakeholder meetings are open work sessions that allow participants to ask questions, propose revisions, and submit material. The Department also offered one-on-one attention to any stakeholder who desires additional information / assistance.

## BEST AVAILABLE RETROFIT TECHNOLOGY (BART)

The Department presented its draft Montana BART process flowchart, timeline, and proposed BART rule. These two documents are posted on the Department's website at: <http://www.deq.mt.gov/AirQuality/AQinfo.asp>

Bob Habeck reviewed the issue of provisions more stringent than federal regulations. Potential issues include: (1) using PTE to perform modeling, and (2) expanding the BART rule applicability to non-mandatory federal Class I areas. Non-mandatory federal class I areas in Montana include: Rattlesnake Wilderness; Welcome Creek Wilderness; Lee Metcalf Wilderness; Absaroka-Beartooth Wilderness; and Spotted Bear Wilderness.

In order to propose BART rules more stringent than comparable federal requirements, the Department is required to make certain statutory demonstrations including: that the rule protects the environment, can mitigate harm to the environment, and is achievable

with current technology. Therefore, the Department requires modeling data to determine what effect the inclusion of more stringent provisions might have on the BART regulatory plan. The Department has not yet taken a position on the advisability of including more stringent provisions.

Some stakeholders expressed concerns regarding the extension of BART protection to additional wilderness areas. Some stakeholders expressed that visibility protection might be afforded to non-mandatory federal Class I areas, but that such protection should occur outside this BART rule proposal, i.e., regulate for visibility impairment using general authority applicable to all human-caused sources of visibility impairment.

Some stakeholders opposed using PTE as the modeling input, as PTE would not result in direct, measurable visibility improvement. Rather, the use of PTE as a modeling input may result in reductions in permitted allowable emissions rather than direct actual emission reductions. If the goal of the BART rule / Montana Visibility Plan is actual visibility improvement reductions in potential visibility improvement may not suffice.

The Department urged stakeholders to continue submitting questions or comments in writing to facilitate the BART rule development process.

## **BART RULE PRESENTATION**

Deb Wolfe described changes to the BART rule since meeting #3. Stakeholders discussed the latest proposed revisions.

## **STAKEHOLDER QUESTIONS ON BART PRESENTATION**

**Jim Parker:** When is the BART rule required to be implemented?

**Department:** The Department includes language requiring BART to be implemented within five years from EPA approval of the source BART determination.

**Anne Hedges:** BART exemption – why not include start-up, shutdown, malfunction when determining the amount of PTE or actual emissions eligible for exemption? Those emissions often reflect what is considered normal operation.

**Department:** The Department does not make regulatory decisions based upon approximating the number of anomalous emission events, i.e., “upsets”. The Department believes formally including emissions from a particular number of upsets may, in turn, institutionalize their existence and artificially enlarge a source’s expected emissions. The Department recognizes upsets as unwanted and unplanned events. The EPA Appendix Y Guidelines support the use of actual emissions and recommend emissions reflecting periods of start-up, shutdown, and malfunction not be used.

**Anne Hedges:** Thirty days for the public to review ten BART preliminary determinations is too short. The public will need more time to review. I suggest 60 days.

**Department:** We will consider that request.

**Don Allen:** I appreciate the fact that you included procedural provisions regarding the determination of a final action from HB 700 (75-2-211, MCA) that apply to Montana Air Quality permits.

**Anne Hedges:** I'd prefer language to incorporate the statutory requirements as they change. The appeals process for BART does not have to be written to conform to these provisions.

**Department:** Generally, incorporating a statute by reference is disfavored because 1-2-108, MCA provides that reference to a statute includes changes over time, i.e., revisions or subsequent repeal of the referenced statute, thus requiring DEQ to track changes to the internal reference. Additionally, HB 700 is specific to the Montana Air Permit process, not the BART process for existing sources. The language as currently drafted is consistent with the statutory provisions, but it is also true that a different appeals process for the BART rules may also be drafted.

**Hal Robbins:** I prefer to make the appeals process consistent with HB 700. I also favor listing the areas that are subject to BART visibility protection.

**Department:** We will look at the consequences of listing the protected areas rather than merely referencing the CFR.

**Hal Robbins:** Under New Rule III (2) – The Department already has ninety percent of what is necessary to perform modeling exercises. Change the provision to require the Department to request specific information and require sources to respond to each request in 30 days.

**Department:** We will consider that request.

**Hal Robbins:** New Rule III (6) – I suggest adding language to allow reciprocal information requests and responses.

**Department:** We will consider that request.

## **CALPUFF MODELING UPDATE**

John Coefield informed stakeholders the department developed an internal draft of a CALPUFF modeling protocol which has been submitted to EPA for informal review. The department is not prepared to distribute this document, yet. The modeling protocol will be scheduled for notice and public comment. The department's goal is to make available the CALPUFF document by March 15<sup>th</sup>.

The modeling runs will begin in the next few weeks to allow the department to observe the time it takes to perform model runs. The department will post the table of the CALPUFF switches when they are available.

## **POTENTIAL BART-ELIGIBLE SOURCE UPDATE**

Bob Jeffrey updated stakeholders on the emissions review for BART-eligible sources. Bob encouraged stakeholders to review the emissions posted on the WRAP website for each BART-eligible source. The department will review the emissions data voluntarily submitted to the department prior to modeling.

## **NEXT STEPS**

- Draft MT CALPUFF Model Protocol out by 3/15/06
- Revised Draft BART Rule #4 out by 3/15/06
- Stakeholder #5 Meeting – Revised draft BART Rule on 3/21/06
- BART rulemaking process initiation by 7/21/06
- Visibility Website / Contact information
  - Federal Regional Haze Rule
  - WRAP Committees and Forums
  - Reasonable Further Progress Goals
- Identify Additional Interested Parties as Stakeholders